



MURIEL GOODE-TRUFANT
Acting Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

EVAN J. GOTTSTEIN
Assistant Corporation Counsel
(212) 356-2262
egottste@law.nyc.gov

September 9, 2024

By ECF

Honorable Hector Gonzalez
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Malik Lucas v. The City of New York, et al.
24-CV-2940 (HG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney for defendants the City of New York and NYPD in the above-referenced action. Pursuant to the Court's August 12, 2024 Order, I write on behalf of both parties with an update on the status of Rayshawn Moore's criminal case that is the basis for the current stay in this action.

Plaintiff filed the complaint in this action on April 19, 2024, alleging, *inter alia*, that on February 4, 2023, members of the New York City Police Department ("NYPD") falsely arrested plaintiff and subjected him to excessive force when they apprehended him and two friends with whom he was in a car. *See generally*, Complaint, ECF No. 1. On August 9, 2024, defendants' requested a stay in this case, with plaintiff's consent, due to an ongoing criminal case against one of plaintiff's friends, Rayshawn Moore, arising from the events at issue in this lawsuit. *See* ECF No. 14. On August 12, 2024, the Court granted defendants' request and stayed this case pending the resolution of the criminal prosecution against Rayshawn Moore. The Court further ordered the parties to file a joint letter, on before September 9, 2024, on the status of Mr. Moore's criminal case, including: "(1) the case number, and (2) a detailed explanation of the status of the case including whether any motions have been filed and whether a date has been set for trial."

Upon information and belief, the related criminal case against Rayshawn Moore is pending in Kings County Supreme Court Criminal Term under Indictment No. IND-70727-23/001. According New York State's e-Courts Web Criminal database ("WebCrim"), the case

was most recently on the calendar for a pre-trial conference on August 20, 2024, and the next appearance is scheduled for this Wednesday, September 11, 2024, at 9:00 a.m.¹

Additionally, the undersigned tried to contact the Kings County District Attorney's Office (KCDA) on September 6 and September 9, 2024, for more details about the status of the case and the upcoming appearance, so far to no avail. Most recently, the undersigned left a voicemail with the bureau handling the case at KCDA this afternoon, but I have not yet received a response. On Friday, September 6, 2024, the undersigned also called Mr. Moore's criminal defense attorney to ask about the status of the criminal case (such as whether a trial date had been set or any Omnibus motions had been filed), but he refused to speak to the undersigned about the case. However, plaintiff's counsel represents that he was able to get an update from Mr. Moore's criminal defense attorney earlier today. Plaintiff's counsel represents that he was told that Mr. Moore's case is "on for trial" but trial will not be going forward at the September 11 court appearance, and that there is an Omnibus motion that is currently pending in the case.

Accordingly, this case should remain stayed pending the resolution of Mr. Moore's related criminal case. The parties will file an updated status report about the related criminal case in 30 days or at the Court's convenience.

The parties thank the Court for its consideration herein.

Respectfully submitted,

Evan J. Gottstein /s/
Evan J. Gottstein
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **Via ECF**
Hugo Ortega, Esq.
Attorney for Plaintiff

¹ It is unclear what is supposed to happen at the September 11 appearance, as WebCrimis lists "Tracking" as the Calendar Section, and "Adjournment" as the Arraignment/Hearing Type.